

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN THE MATTER OF
THE EXTRADITION OF
GEORGE ALEXANDER KAUA

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Misc. No. SA-11-M-169-NSN

CERTIFICATION OF EXTRADITABILITY
AND
ORDER OF COMMITMENT

The Court received a Complaint filed on February 28, 2011, by Mark T. Roomberg, Assistant United States Attorney for the Western District of Texas, for and on behalf of the Government of Germany, pursuant to that Government's request for the extradition of GEORGE ALEXANDER KAUA.

KAUA appeared before the undersigned on this date with counsel for a hearing on the Government's request for extradition. KAUA presented an Affidavit of Waiver of Extradition executed on June 16, 2011 and witnessed by his attorney Alfredo Villarreal, waiving his right to the extradition hearing and agreeing to be transported in custody, as soon as possible to Germany, and to remain in custody pending the arrival of agents from Germany.

Having been advised that KAUA is a fugitive sought by the Government of Germany, that KAUA is aware that the Government of Germany has filed charges against him and has obtained a warrant for his arrest, that KAUA has reviewed the Complaint filed by the United States Attorney for this judicial district, that KAUA has been fully advised of his rights in this country pursuant to the extradition treaty in force between the Government of the United States and the Government of Germany and Title 18, United States Code, § 3184, and that KAUA has knowingly and voluntarily waived those rights, the Court finds as follows:

1. The undersigned judicial officer is authorized under Title 18, United States Code, § 3184 to conduct an extradition hearing.
2. The Court has personal jurisdiction over KAUA and subject matter jurisdiction over the case.
3. There is currently in force an extradition treaty between the governments of the United States and Germany.
4. KAUA was convicted of the offense of hostage taking in conjunction with extortionary

kidnaping, in violation of sections 239a subsection (1), 239b subsection (1), Section 52, and Section 25 subsection (2) of the German Penal Code, all committed within the jurisdiction of the 7th Criminal Division of the Regional Court Giessen, Germany, and a warrant for his arrest was issued on November 14, 2002, by the Regional Court of Giessen for enforcement of the six-year sentence. KAUA fled Germany after his sentence was imposed.

5. This charge constitutes an extraditable offense within the meaning of Article 16 of the Treaty.
6. The Government of Germany has submitted a formal request for KAUA'S extradition, supported by the documents specified in the Treaty.
7. KAUA is the person whose extradition is sought by the Government of Germany.
8. There is probable cause to believe that KAUA committed the offense for which extradition is sought.

Based on the foregoing, the Court FINDS that GEORGE ALEXANDER KAUA is extraditable for the offense for which extradition was requested, and the Court CERTIFIES this finding to the Secretary of State as required under Title 18, United States Code, § 3184.

IT IS THEREFORE ORDERED that:

1. GEORGE ALEXANDER KAUA be committed to the custody of the United States Marshal for the Western District of Texas pending final disposition of this matter by the Secretary of State, and surrender to duly authorized representatives of the Government of Germany.
2. The Clerk forward without delay certified copies of this Certification of Extraditability and Order of Commitment as well as the executed Affidavit of Waiver, to the Director, Office of International Affairs, Criminal Division, Department of Justice, Washington, D.C., and to Assistant United States Attorney Mark Roomberg.

SIGNED on June 16, 2011.



NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE